

DMB:JJD/SDD
F.#2012R00095

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M 13- 56

UNITED STATES OF AMERICA

C O M P L A I N T

- against -

M. No.
(T. 18, U.S.C.,
§ 2339B(a)(1))

JUSTIN KALIEBE,
also known as "Umar Abdur-
Rahman," "Justin Russi," and
"Omar,"

Defendant.

FILED
IN CLERK'S OFFICE
DISTRICT COURT E D N Y

★ JAN 22 2013 ★
LONG ISLAND OFFICE

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EASTERN DISTRICT OF NEW YORK, SS:

MATTHEW MIRAGLIA, being duly sworn, deposes and says
that he is a Special Agent with the Federal Bureau of
Investigation ("FBI") and a member of the New York FBI Joint
Terrorism Task Force ("JTTF"), duly appointed according to law
and acting as such.

ATTEMPT TO PROVIDE MATERIAL SUPPORT
TO A FOREIGN TERRORIST ORGANIZATION

Upon information and belief, on or about and between
November 1, 2011 and January 21, 2013, both dates being
approximate and inclusive, within the Eastern District of New
York and elsewhere, the defendant JUSTIN KALIEBE, also known as
"Umar Abdur-Rahman," "Justin Russi," and "Omar," together with
others, did knowingly and intentionally attempt to provide

material support and resources, as defined in 18 U.S.C. § 2339A(b), including currency, monetary instruments, and personnel, including himself, to a foreign terrorist organization ("FTO"), to wit: al-Qaeda in the Arabian Peninsula ("AQAP"), also known as Ansar al-Sharia ("AAS").

(Title 18, United States Code, Section 2339B(a)(1))

FACTUAL ALLEGATIONS

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I have been a Special Agent with the FBI for approximately nine years. As a Special Agent with the FBI, my responsibilities include the investigation of terrorist activities associated with AQAP and AAS. I have participated in numerous investigations, during the course of which I have interviewed witnesses, conducted physical surveillance, executed court-authorized search warrants and used other investigative techniques to secure relevant information regarding various crimes. My information about this investigation comes from my personal participation in this investigation, a review of documents, electronic media, emails and other physical and

¹ Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

documentary evidence, and interviews of witnesses. I have also relied on information provided to me by other agents and law enforcement officials. Documents and emails when referred to herein are based on summaries and draft transcripts. Where statements of others are set forth, they are set forth in substance and in part.

BACKGROUND ON AQAP and AAS

2. AQAP is an Islamic terrorist organization, primarily operating in Yemen and Saudi Arabia. It was formed in January 2009 and formally designated an FTO by the United States Department of State on January 19, 2010. AQAP is led by Nasir al-Wahishi, Usama bin Laden's former secretary in Afghanistan who reportedly escaped to Iran and was arrested and subsequently extradited to Yemen in 2003. Al-Wahishi then reportedly escaped from a Yemeni prison in 2006 and spearheaded the merger of the Saudi and Yemeni branches of al-Qaeda in 2009. AQAP was also buttressed by Anwar al-Awlaki, a U.S.-born radical cleric, until Awlaki's death, on September 30, 2011. Awlaki gained a following via his Internet sermons and was a member and leader of AQAP.

3. In the past several years, AQAP has claimed responsibility for attempted terrorist attacks against the United States. For example, AQAP claimed responsibility for the

attempted Christmas Day 2009 bombing of a Detroit-bound passenger plane from Europe by Umar Farouk Abdulmutallab. In a video released days after the attempt, AQAP addressed the American people, threatening to "come for you to slaughter, and we have prepared for you men who love death like you love life." Further, AQAP later claimed responsibility for an October 2010 plot to send explosive-laden packages on U.S.-bound cargo flights.

4. AQAP is adept at using technology and the Internet to popularize its message. Through AQAP's media wing -- Al-Malahem Media -- AQAP publishes an online, English-language magazine called *Inspire*. In or about July 2010, AQAP published the first issue of *Inspire*. The cover page of the publication bears the "Al-Malahem Media" logo and name and, under the magazine's title, states "Periodical Magazine issued by the al-Qa'idah Organization in the Arabian Peninsula." In or about October 2010, AQAP released the second issue of *Inspire*, which included a feature article entitled "I Am Proud to be a Traitor to America," written by Samir Khan, another U.S. citizen who became an influential member of AQAP until his death in 2011.

5. AQAP is considered to be one of the most active and lethal al-Qaeda affiliates and has expressed the intent to

attack both the United States homeland and regional targets. As noted above, AQAP was designated as an FTO on January 19, 2010. Subsequently, on October 4, 2012, AAS was designated as a FTO by the Department of State. According to the Department of State, AAS is considered to be an alias used by AQAP in an attempt to rebrand itself to manipulate people into joining AQAP's terrorist cause. During 2012, AAS took responsibility for several attacks in Yemen, including attacks targeting the Yemeni military. For example, AAS claimed responsibility for a series of attacks in March 2012 that killed more than 100 people, including Yemeni soldiers. Additionally, in May 2012, AAS claimed responsibility for a suicide bombing that killed more than 100 Yemeni soldiers during a parade.

SUMMARY OF THE INVESTIGATION

A. Background

6. The defendant JUSTIN KALIEBE is an eighteen-year-old United States citizen and resident of Suffolk County, Long Island. The JTTF and the New York City Police Department ("NYPD") are conducting an investigation into terrorism offenses by KALIEBE. During the course of the investigation, law enforcement authorities have employed a variety of investigative techniques, including the use of an undercover law enforcement operative ("UC-1"), and an online undercover law enforcement

operative ("UC-2"). UC-1 has recorded numerous conversations with KALIEBE, some of which are described below. In addition, UC-1 has allowed KALIEBE to use his computer, which has created a record of KALIEBE's internet searches and viewings on that computer. Some of KALIEBE's viewings include terrorist propaganda, such as lectures by Anwar al-Awlaki, and video depictions of violent attacks and other terrorist activities, such as training exercises. UC-2 also has engaged in email communications with KALIEBE, which also are illustrative of KALIEBE's intent to support terrorism.

7. As set forth below, in or about and between November 2011 and January 2013, the defendant JUSTIN KALIEBE offered himself and his money in support of AQAP/AAS. More specifically, KALIEBE attempted to travel from the United States to Yemen for the purpose of joining these groups and waging violent "jihad." KALIEBE's efforts culminated in an attempt to board a flight to Muscat, Oman at John F. Kennedy Airport ("JFK Airport") in Queens, New York, for the purpose of joining AQAP/AAS. During numerous meetings and recorded conversations with UC-1 and email correspondence with UC-2, KALIEBE repeatedly asserted his desire to travel to Yemen in order to join AQAP/AAS and to help carry out their violent extremist agenda.

8. In numerous recorded communications, the defendant JUSTIN KALIEBE also demonstrated extensive knowledge regarding terrorist organizations, including AQAP/AAS and al-Qaeda, and current and former leaders of those terrorist organizations. For example, KALIEBE referenced, and at times quoted, Awlaki, a member and leader of AQAP, as well as Omar Abdel Rahman (the "Blind Sheik"), Ayman al-Zawahiri (the current leader of al-Qaeda), and Usama Bin Laden. Further, KALIEBE demonstrated detailed knowledge of various terrorist attacks that were carried out by AQAP/AAS in Yemen, as well as attacks carried out by other al-Qaeda affiliates around the world.

B. Meetings with UC-1

9. Beginning in June 2011, the defendant JUSTIN KALIEBE had occasional contact with UC-1. Initially, these meetings were primarily casual, social contacts, but as UC-1 became aware of KALIEBE's self-proclaimed intent to support terrorist groups, their contact became more frequent and private. Based on evidence I have reviewed in this case, including KALIEBE's own recorded statements, KALIEBE began plotting to travel to Yemen to engage in jihad in approximately the fall of 2011. However, UC-1 did not learn of KALIEBE's commitment to supporting terrorism until approximately April 2012, during private meetings. Some of the meetings took place

in UC-1's home, where law enforcement authorities maintained a record of internet usage on UC-1's computer. As noted above, law enforcement authorities recorded conversations between UC-1 and KALIEBE during the relevant timeframe, including conversations that are summarized below.²

10. On April 4, 2012, the defendant JUSTIN KALIEBE met UC-1 at a restaurant in Ronkonkoma, New York. After leaving the restaurant, KALEIBE asked UC-1, who was represented to be of Yemeni descent, how he (KALIEBE) could travel to Yemen. UC-1 responded that one had to have connections to do that, and asked KALIEBE why he wanted to go there. KALIEBE replied that there were only two reasons to go to Yemen - to go to school or join a "group." When UC-1 asked KALIEBE which of those reasons was his reason, KALIEBE asked UC-1 to assure him that he was not going to "rat him out," and, after UC-1 assured him that he would not, KALIEBE indicated that he wanted to join a group "for the sake of Allah."

² The following summary is not an exhaustive list of meetings between KALIEBE and UC-1. Additionally, the quotations set forth herein are based on draft transcripts and summary reports. With respect to the summary of the April 4, 2012 conversation between the defendant and UC-1, set forth below, these statements are based on a report and interviews of UC-1, because this conversation was not recorded due to an equipment failure.

11. Also on April 4, 2012, KALIEBE told UC-1 that he (KALIEBE) was "doing the J word" which UC-1 understood to be a reference to "jihad," or "holy war." Later that same day, KALIEBE told UC-1 that he had been planning to go to Yemen for a long time, and hoped to join the "mujahedeen," which is a term used to refer to a group of fighters. When UC-1 asked KALIEBE who his favorite sheik was, KALIEBE indicated that he loved the lectures of Anwar al-Awlaki. As noted above, until his death, Awlaki was a member and leader of AQAP, who disseminated lectures on the internet urging young men to engage in violence in the cause of jihad.

12. On April 9, 2012, UC-1 again met with the defendant JUSTIN KALIEBE at UC-1's residence. This meeting was recorded. Upon arriving at UC-1's home, KALIEBE brought up the topic of Yemen and asked UC-1 if he remembered their conversation from April 4, as described above. KALIEBE stated that he had been planning to travel to Yemen since approximately October or November 2011, and had already collected some money for the trip. KALIEBE stated that he was planning to fly to Sanaa, Yemen, and from there take a car to Abyan province, which is an area of Yemen that he believed AQAP/AAS controlled. When UC-1 asked KALIEBE why he wanted to go to Yemen, KALIEBE stated that he wanted to join the mujahedeen and engage in jihad for

the sake of Allah. When UC-1 warned KALIEBE that he could die if he did so, KALIEBE indicated that he wanted to die so that he could go to paradise with the "Shaheed," which is an Arabic word for martyrs.

13. In addition, KALIEBE reiterated that Anwar al-Awlaki was his favorite scholar because Awlaki spoke English and because, when others had stopped talking about jihad following the attacks of September 11, 2001, Awlaki did not. Further, KALIEBE told UC-1 that he wanted to go to Yemen as soon as possible, and that he was going to try to do so at the end of the year, after he obtained his passport. KALIEBE suggested to UC-1 that UC-1 should travel with him, so that KALIEBE's travel would not seem suspicious. UC-1 responded that he knew people in Yemen, and agreed to assist KALIEBE. In later conversations, UC-1 indicated that he would also be willing to travel to Yemen with KALIEBE.

14. On numerous occasions thereafter, KALIEBE used either UC-1's computer or his own computer, in UC-1's presence, to access videos and lectures relating to terrorist leaders such as Awlaki and Usama Bin Laden, as well as terrorist attacks and related propaganda. For example, on April 16, 2012, KALIEBE used UC-1's computer to conduct a search regarding Awlaki. KALIEBE then played an Awlaki lecture entitled "Victory, Allah

is Preparing us for Victory," which discussed martyrdom operations and jihad in Afghanistan and Iraq. KALIEBE demonstrated familiarity with the speech, and stated that it was one of his favorite lectures. KALIEBE also stated that he had been "praying to go to Yemen" since 2011 - before he had ever discussed this topic with UC-1.

15. During another recorded meeting, which occurred on June 4, 2012, the defendant JUSTIN KALIEBE told UC-1 that AQAP member Samir Khan had inspired him, and that he was reading "Proud to be a Traitor," an article written by Khan, which explained how Khan got to Yemen by claiming he was going there to teach English. During this conversation, KALIEBE discussed the relationship between AAS and al-Qaeda, noting that al-Qaeda is a network, and that the sub-branch of al-Qaeda in the Arabian Peninsula is AAS. KALIEBE also asserted that al-Qaeda was no longer sending secret cells to Western countries, but instead was pursuing what the government refers to as "lone wolf terrorism."

16. When UC-1 asked KALIEBE whether "lone wolf terrorism" was what they (he and KALIEBE) were doing, KALIEBE responded no, and cited Abdulmutallab, the attempted Christmas Day 2009 bomber described above, as an example of a "lone wolf." KALIEBE then stated, "I don't know what they'd call us, to kill,

maim and kidnap in foreign countries, conspiracy to do that, that's basically the crime that they would charge people like us with." KALIEBE then added, "to maim means, like, to wound," and noted that "I read [sic] brothers who, like, ah, got arrested for that."³

17. Also during the June 4, 2012 recorded meeting, the defendant JUSTIN KALIEBE engaged in a discussion of whom KALIEBE expected they would fight "over there . . . in Yemen." KALIEBE stated that he expected to fight primarily "the Yemeni army." KALIEBE continued, "I would say, those who are fighting against the Sharia of Allah . . . whether it's the U.S. drones or the, their puppets, in the Yemeni army . . . or, who knows, if American agents or whatever, U.S. Special Forces [U/I] who they got over there." When UC-1 asked KALIEBE, "You're not afraid you're going to die?," KALIEBE responded, "I wanna It's what anyone would want, any believer would want." In addition, later during that same meeting, KALIEBE discussed methods by which he could avoid detection by law enforcement, stating "that's how they catch people, not only people who are doing what we're doing, but any other petty criminal."

³ Title 18, United States Code, Section 956 makes it a crime to "conspir[e] to kill, kidnap, maim, or injure persons or damage property in a foreign country."

18. On July 9, 2012, during another recorded meeting between the defendant JUSTIN KALIEBE and UC-1, UC-1 asked KALIEBE what he would tell an overseas "brother," if asked why he wanted to travel to Yemen. KALIEBE responded that, as a Muslim, there "is an obligation on him, even though I'm in America, to help my brothers out overseas with my life." When UC-1 asked KALIEBE what he meant by "helping," KALIEBE responded that "[h]elping them out as in fighting to get the [inaudible] out of their land." When UC-1 asked KALIEBE who had inspired him, KALIEBE stated that he was inspired by several sheiks, including "Sheik Usama," "who showed how he could bring an entire nation to its knees."

19. Based on my review of recordings and reports of meetings, beginning in approximately July 2012, the defendant JUSTIN KALIEBE had been saving money to finance his travel to Yemen. In total, KALIEBE saved more than \$1,200, which, as set forth below, he used to apply for and purchase a United States passport, and to purchase an airline ticket to Oman. For example, during a recorded meeting on July 30, 2012, when UC-1 asked the defendant JUSTIN KALIEBE why he was saving money, KALIEBE responded that he was doing it "as a means to go to Yemen to fight Jihad."

C. Email Communication with UC-2

20. During the course of their conversations, UC-1 mentioned generally to the defendant JUSTIN KALIEBE that, based on the fact that UC-1 was Yemeni, he had contacts in Yemen. In October 2012, KALIEBE asked UC-1 whether he would contact an overseas "brother" who could help arrange for KALIEBE to travel to Yemen. UC-1 then introduced KALIEBE to UC-2, who purported to be located in Yemen. Between November 2012 and January 2013, KALIEBE engaged in several email communications with UC-2. Initially, on or about November 14, 2012, UC-2 sent an email to UC-1, which was shown to KALIEBE. A portion of the email from UC-2 was specifically directed to KALIEBE, and related to the subject of jihad. UC-2 wrote, in part, "I promise . . . that I will answer all of the questions you have so that you are certain of your decision."

21. On November 15, 2012, KALIEBE sent an email to UC-2 in response, stating that he was "overwhelmed with joy" when UC-1 showed him the initial email. KALIEBE also provided some background information about himself, so that UC-2 would be "confident" in him. KALIEBE stated that "since [he] became a Muslim [he'd] wanted to join the Mujahedeen and fight Fee Sabell Lillah," which literally means "in God's way" and is sometimes used to reference acts of charity. Additionally, KALIEBE wrote

that he had been dreaming about joining the Mujahedeen for two years, and he wanted to do so despite the fact that he would "risk torture, imprisonment, or death, but this is the path I want to take[.]" KALIEBE also asked when he could give "bayat," which is an Islamic term meaning an oath of allegiance to a leader.

22. In early December 2012, the defendant JUSTIN KALIEBE and UC-2 continued to exchange emails regarding KALIEBE's proposed travel to Yemen in January 2013. For example, in a December 9, 2012 email, KALIEBE agreed he would travel separately from UC-1 and stated that he wanted to travel as soon as possible. Additionally, KALIEBE quoted from a recorded speech by Awlaki, stating that "martyrdom is like a tree, and fruits grow on this tree" and that "the tree of martyrdom in the Arabian Peninsula has ripened fruits on it, and the time has come to reap those fruits."⁴

⁴ The quotation appears to originate from a recording of Anwar al-Awlaki, released by AQAP's media wing, titled "Martyr of the Dawah." "Dawah" is an Arabic term, which generally refers to Islamic works.

D. Attempted Travel

23. During November and December 2012, KALIEBE took a series of specific steps in an effort to reach Yemen in pursuit of his goal of supporting AQAP/AAS, including but not limited to applying for a United States passport on November 23, 2012 (which he received on December 22, 2012) and, as discussed below, using an online booking agent to purchase an airplane ticket to Oman.

24. In a recorded meeting on December 10, 2012, the defendant JUSTIN KALIEBE used UC-1's computer to research airfare to Oman, from where he was planning to travel overland to Yemen. The next day, KALIEBE purchased an airline ticket, to depart from JFK Airport on January 21, 2013 and arrive in Muscat, Oman, via London and Bahrain, on January 22, 2013. Because the ticket cost less than he had anticipated, KALIEBE emailed UC-2 that he would have more than \$600 to give to the "brothers" and offered to bring "things of value that would fit with [his] disguise."

25. On December 25, 2012, UC-2 sent the defendant JUSTIN KALIEBE an email, informing him that he had discussed KALIEBE's offer to make bayat with the "Ameer," or "leader," who agreed to "get a sense of [KALIEBE's] sincerity and conviction."

The next day, December 26, 2012, KALIEBE swore his loyalty in an email sent to UC-2. KALIEBE wrote:

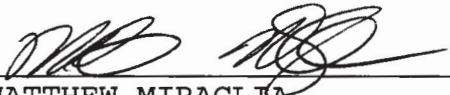
I pledge my loyalty, allegiance and fidelity to the Mujahedeen of Al-Qaa'idah in the Arabian Peninsula and its leaders, Shaykh Abu Baseer Nasir Al-Wuhayshi and Shaykh Ayman Al-Zawahiri, hafidhahum Allah! May Allah accept this from me and may he allow me to fight in his cause til the day that I leave this dunya.⁵

Further, KALIEBE wrote that "there are no limitations to what I'm willing to do when I get there."

26. On January 21, 2013, the defendant JUSTIN KALIEBE traveled from Long Island to JFK Airport in Queens, New York. KALIEBE presented his United States passport and an airline ticket for the flight to Muscat, Oman ("the flight") and was issued a boarding pass. KALIEBE then passed through airport security, went to the gate for the flight, and, when the flight was called, attempted to board the airplane. At that time, KALIEBE was taken into custody by the JTTF and NYPD.


⁵ "Dunya" is a reference to the material world.

WHEREFORE, your deponent respectfully requests that the defendant JUSTIN KALIEBE, also known as "Umar Abdur-Rahman," "Justin Russi," and "Omar," be dealt with according to law.



MATTHEW MIRAGLIA
Special Agent
Federal Bureau of Investigation

Sworn to before me this
22nd day of January, 2013



THE HONORABLE ARLENE R. LINDSAY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK